

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

In re Edward Charles Chung, Esq.,
Admitted to the Bar of the Ninth Circuit:
August 1, 2018,

No: 23-80073

RESPONDENT'S *SECOND* MOTION
FOR EXTENSION OF TIME TO FILE
REPOSNE TO ORDER TO SHOW
CAUSE [ECF# 2].

Respondent.

Before: Schroeder, Berzon and Owens, Circuit Judges

I. INTRODUCTION AND RELIEF REQUESTED

COMES NOW, Respondent attorney, Edward C. Chung hereby respectfully motions Ninth Circuit Court Judges Schroeder, Berzon and Owens for an additional thirty (30) day extension to respond to this Court's August 18, 2023 Order to Show Cause. While Respondent has recently received confirmation of insurance coverage, Respondent's policy does not assign counsel and requires Respondent to select the firm or lawyer that will appear in these disciplinary proceedings. Due to the uniqueness of these proceedings, Respondent is still in the process of selecting

counsel that is admitted into the Ninth Circuit, is familiar with Ninth Circuit disciplinary proceedings, and has the availability to represent Respondent in this matter. Respondent believes that a thirty (30) day extension is necessary to engage legal counsel to confer and/or represent Respondent in filing a Response to the **August 18, 2023** Order to Show Cause or represent Respondent in the upcoming FRAP 46 disciplinary proceedings previously requested.

II. FACTUAL GROUNDS FOR MOTION

On September 5, 2023 Respondent requested an FRAP 46 hearing and additional time to respond to the Honorable Judge Schroeder, Berzon and Owens **August 18, 2023** Order to Show Cause. The motion was based on Respondent filing a claim for insurance coverage for the assignment of legal counsel in relation to these disciplinary proceedings. The Court Clerk granted this extension and reset the Response to the Order to Show Cause to **October 17, 2023**. While Respondent has recently received confirmation of insurance coverage, Respondent's policy does not assign counsel and requires Respondent to select the firm or lawyer that will appear in these disciplinary proceedings. Due to the uniqueness of these proceedings, Respondent is still in the process of selecting counsel that is admitted into the Ninth Circuit, is familiar with Ninth Circuit disciplinary proceedings, and has the availability to represent Respondent in this matter.

To assure due process and to avoid prejudice, Respondent would like the opportunity to confer with legal counsel concerning the procedural history of this

case, the factual and legal issues giving rise to these disciplinary proceedings and have such counsel either submit a Response or represent counsel in the requested FRAP 46 hearing to be scheduled by this panel. In consideration of the severity of sanctions seeking to be imposed, Respondent respectfully asks that this motion be granted and additional time afforded.

III. LEGAL GROUNDS FOR MOTION

FRAP 31-2.2 (b) provides for an extension of time to be granted upon written motion supported by a showing of diligence and substantial need. Here, disciplinary proceedings have been commenced on **August 17, 2023** [ECF #1] and undersigned counsel receive notice of these disciplinary proceedings on August 18, 2023 [ECF# 2]. Ninth Circuit Court Rule 46-2 (d) allows an attorney alleged to engaged in disciplinary misconduct the right to have legal counsel represent his interest. On **September 5, 2023**, undersigned counsel made an initial request for an extension of time as he was awaiting confirmation of malpractice coverage. Since that date, confirmation of coverage has been provided; however, due to the type of proceedings involved, undersigned counsel is still in the process of finding counsel familiar with the rules and procedures governing Ninth Circuit disciplinary proceedings.

The current date for the Respondent's Response to the **August 18, 2023** Order to Show Cause is **October 17, 2023**. Respondent has requested on September 5, 2023 a FRAP 46 (c) Request for Hearing; however, in advance of this hearing and

the response to order to show cause desires to confer with counsel on this matter. Accordingly, Respondent respectfully asks for an additional thirty-day (30) extension and believes this will be the final request for an extension on this matter. Additionally, Respondent will be filing a motion for clarification concerning these proceedings to assure that familiarity with the judicial process and to assure due process is afforded.

IV. DECLARATION OF COUNSEL IN SUPPORT OF MOTION

I, Edward C. Chung, Respondent in the above captioned disciplinary matter before the Ninth Circuit Court of Appeals of the United States, declare as follows:

Since September 5, 2023 I have now received confirmation of insurance coverage on this disciplinary matter before the Ninth Circuit. My initial request for an extension was to advise the court that a claim for coverage was filed. As I am sure this panel may appreciate, the severity of the August 18, 2023 allegations and prospective disciplinary sanctions that may be imposed against me in relation to alleged misconduct under Ninth Circuit Court of Appeals Docket Number: 23-80073 are significant and could result to various types of sanctions, including but not limited to suspension or disbarment from this Circuit.

Based on the foregoing, I believe good cause exists for Ninth Circuit Court Judges Schoeder, Berzon and Owens to allow a 30 day extension of time. I declare under penalty of perjury under the laws of the State of Washington that

the foregoing is true and correct and that I signed this declaration on this 13th day of September 2023.

Respectfully submitted this 13th day of October, 2021.

/s/ Edward C. Chung

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CERTIFICATE OF COMPLIANCE

In accordance with FED. R. APP. P. 27-1 (d) 1 and (2) the foregoing motion does not exceed 5,200 words and complies with Ninth Circuit Court formatting requirements.

Date this 13th day of October 2023,

/s/ Edward C. Chung

Edward C. Chung, WSBA# 34292

Pro Se Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated this 13th day of October 2023

/s/ Edward C. Chung

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